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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/451,254	11/29/1999	YACOV YACOBI	MS1-306US	8800

22801 7590 02/26/2003

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EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/451,254

Applicant(s)

YACOBI ET AL.

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on December 1, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 42-50 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-58 is/are allowed.
- 6) ☒ Claim(s) 59 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claims 1-34 remain pending

Response to Arguments

The applicants arguments filed on December 12, 2002 have been fully considered.

The Examiner states that Claim 1-58 allowable over the prior art record.

Claim 59

The applicant states that the Examiner has not particularly pointed out an electronic wallet in which Yacobi receives a run of assets, and further where a subset of assets are presented to an auditor for fraudulent expenditure.

The examiner apologizes for the previous omission, the following rejection cites the pertinent material in both the Yacobi and Demers references.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briscoe (US Patent 6,341,273) and further in view of Yacobi (US Patent 5,878,138).

As per claim 59

Briscoe (273) discloses an electronic wallet having memory and a processor,(Figure 2) Briscoe ('273) does not explicitly disclose the electronic wallet being programmed to: receive a run of assets from a user; select a subset of less than all of the assets received from the user; submit the subset of assets to an auditor for evaluation of fraudulent expenditure.

Yacobi ('138) discloses the electronic wallet being programmed to:

receive a run of assets from a user;(Column 5, lines 9-28)

select a subset of less than all of the assets received from the user; (column 16, lines 48-

57)

submit the subset of assets to an auditor for evaluation of fraudulent expenditure.(column 3, lines 42-53).

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It would have been obvious to one having ordinary skill in the art of electronic transactions at the time the invention was made to combine the Briscoe ('273) method with the Yacobi ('138) method in order to guarantee the validity of the data specified by the vendor.

As per claim 60,

Briscoe (273) discloses an electronic wallet as recited in claim 59, (Figure 2)

Briscoe ('273) does not explicitly disclose further programmed to randomly select the subset of assets.

Yacobi ('138) discloses programmed to randomly select the subset of assets.(column 16, lines 48-57)

It would have been obvious to one having ordinary skill in the art of electronic transactions at the time the invention was made to combine the Briscoe ('273) method with the Yacobi ('138) method in order to guarantee the validity of the data specified by the vendor.

Allowable Subject Matter

Claims 1-58 are allowed

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

February 24, 2003

John M Winter
John M Winter
Primary Examiner